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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 4-11-70780-MAG
)	No. 4-11-70781-MAG
Plaintiff,)	
)	STIPULATION AND PROPOSED
v.)	ORDER TO CONTINUE STATUS
)	CONFERENCE AND EXCLUDE TIME
EDUARD ARAKELYAN, and)	UNDER THE SPEEDY TRIAL ACT
ARMAN VARDANYAN,)	
)	
Defendants.)	

IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its attorney, Joshua Hill, and the defendants through their undersigned attorneys, Leo Fasen and Jerry Kaplan, that the preliminary hearing or arraignment presently set for October 24, 2011, be continued to November 17, 2011 at 9:30 a.m. Defense counsel requires additional time to review the produced discovery and conduct necessary investigation. In addition, Mr. Kaplan is returning from leave and unavailable for the final week of October. The parties agree that the delay is not attributable to lack of diligent preparation on the part of the attorney for the government or defense counsel. For these reasons, the parties request that time under the Speedy Trial Act be excluded based on the defense's need for reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Defendant also agrees to waive

STIPULATION AND ~~PROPOSED~~ ORDER
Nos. 4-11-70780/4-11-70781

1 the timing of a preliminary hearing or indictment under 18 U.S.C. § 3161(b) and Federal Rule of
2 Criminal Procedure 5.1. The parties agree that the waiver covers all time between the date of
3 this stipulation and November 17, 2011.

4 IT IS SO STIPULATED:

5 Dated: October 19, 2011

/S/
JERRY KAPLAN
Attorney for Defendant Vardanyan

7 Dated: October 19, 2011

/S/
LEO FASEN
Attorney for Defendant Arakelyan

10 Dated: October 19, 2011

/S/
JOSHUA HILL
Assistant United States Attorney

14 **ORDER**

15 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this
16 matter now scheduled for October 24, 2011 is hereby rescheduled for November 17, 2011 at 9:30
17 a.m. Based upon the representation of counsel and for good cause shown, the Court also finds
18 that failing to exclude the time between October 19, 2011 and November 17, 2011 would
19 unreasonably deny the defense the reasonable time necessary for effective preparation, taking
20 into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further
21 finds that the ends of justice served by excluding the time between October 19, 2011 and
22 November 17, 2011 from computation under the Speedy Trial Act outweigh the best interests of
23 the public and the defendant in a speedy trial. Therefore, it is hereby ordered that the time
24 between October 19, 2011 and November 17, 2011 shall be excluded from computation under
25 the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). In addition, upon consent of
26 defendant, the timing of a preliminary hearing or indictment is waived pursuant to 18 U.S.C. §
27 3161(b) and Federal Rule of Criminal Procedure 5.1. The waiver covers all time between

28 //

1 October 19, 2011 and November 17, 2011. The court finds that the ends of justice served by the
2 continuance outweigh the interests of the public and the defendant, and good cause to extend the
3 time for a preliminary hearing.

4
5 DATED: October 20, 2011



HONORABLE LAUREL BEELER
United States Magistrate Judge